



MOTION PICTURE ASSOCIATION

August 24, 2020

VIA E-MAIL AND ECRB

Jesse M. Feder
Chief Copyright Royalty Judge
Copyright Royalty Board
U.S. Library of Congress
101 Independence Avenue, SE
Washington, D.C. 20540

**Re: MPA-Represented Program Suppliers' Pending Motion For Final Distribution,
Docket Nos. 14-CRB-0010-CD (2010-13) and 14-CRB-0010-CD/SD (2010-13)**

Dear Chief Judge Feder:

I am writing you to request expedited determination of the MPA-represented Program Suppliers' pending and unopposed motion accompanied by a proposed order (filed June 10, 2020) along with several other motions filed about the same time, all of which seek final distribution of 2010-13 cable royalties. As the Judges well know, the Motion Picture Association ("MPA") represents several hundred large and small copyright owners and other rightsholders of syndicated series, specials, motion pictures, and non-team sports programs entitled to receive cable royalties ("MPA-represented Program Suppliers") and was an active participant in the proceedings regarding distribution of the 2010-13 cable royalty funds ("2010-13 Cable Funds"), Docket Nos. 14-CRB-0010-CD (2010-13) and 14-CRB-0010-CD/SD (2010-13).

MPA's and the other parties' motions collectively seek final distribution of the approximately \$390.0 million in 2010-13 Cable Funds that remain on deposit at the Copyright Office.

The 2010-13 Allocation Phase cable litigation is now finally resolved, and no controversies remain outstanding. The D.C. Circuit's mandate issued on June 8, 2020, and all deadlines for seeking rehearing or certiorari have passed.¹ Likewise, all Distribution Phase cable controversies have been resolved, either by settlement or, in the case of the Program Suppliers,

¹ Judgment, *Program Suppliers v. Copyright Royalty Bd.*, No. 19-1063 (D.C. Cir. Apr. 14, 2020) (per curiam).

Devotional and Joint Sports categories, by the Judges. Multigroup Claimants' appeal of the Judges' Distribution Phase rulings was dismissed for lack of jurisdiction.² Multigroup Claimants' petition for a panel rehearing and rehearing *en banc* was denied, the mandate issued on February 18, 2020, and the deadline for petitioning for a writ of certiorari has long since passed. In light of these circumstances, and the absence of any remaining controversy, the 2010-13 Cable Funds are currently available for prompt distribution without expenditure of any further administrative or judicial resources by the CRB other than the approval and issuance of a final distribution order. *See* 17 U.S.C. § 111(d)(4)(B) ("If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges *shall authorize* the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents.") (emphasis added).

MPA's and the other parties' motions have now been pending beyond the time when "no such controversy exists" about the 2010-13 Cable Funds remaining on deposit, and thus can and should be promptly distributed to the copyright owners entitled to receive them under the clear statutory directive. MPA is particularly concerned about further delay in the distribution due to the significant negative economic impact of the COVID 19 pandemic on **all** of the rightsholders MPA represents and, in particular, on the hundreds of independent producers—the industry's version of moms and pops – the MPA represents in the Program Suppliers group. These parties now rely even more on prompt cable royalty distribution for their businesses to survive. For all these reasons, MPA respectfully requests that the Judges take immediate action on the pending motion so that the 2010-13 Cable Funds can be distributed as promptly as possible.

Respectfully,



Jane V. Saunders
Senior Vice President & Managing Director
Rights Management Policy & Relations

Cc: David R. Strickler, Copyright Royalty Judge (via email and eCRB)
Steve Ruwe, Copyright Royalty Judge (via email and eCRB)
Carla Hayden, Librarian of Congress (via email)
Maria Strong, Acting Register of Copyrights (via email)
Regan Smith, Copyright Office General Counsel and Associate Register of Copyrights (via email)
All Parties in Docket Nos. 14-CRB-0010-CD (2010-13) and 14-CRB-0010-CD/SD (2010-13) (via eCRB)

² Judgment, *Multigroup Claimants v. CRB*, No. 18-1338 (D.C. Cir. Feb. 5, 2020) (per curiam).

Proof of Delivery

I hereby certify that on Monday, August 24, 2020, I provided a true and correct copy of the Letter from J. Saunders of MPA Regarding MPA-Represented Program Suppliers' Pending Motion For Final Distribution to the following:

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via ESERVICE at rdove@cov.com

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via ESERVICE at jstewart@crowell.com

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

Canadian Claimants Group, represented by Lawrence K Satterfield, served via ESERVICE at lksatterfield@satterfield-pllc.com

Multigroup Claimants (MGC), represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Signed: /s/ Lucy H Plovnick